

**R%IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JEVON EVERETT,)	
)	
Plaintiff,)	
)	Civil Action No. 10-561
v.)	Judge Schwab
)	Magistrate Judge Eddy
NORT, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

Jevon Everett (“Plaintiff”) currently is an inmate at the State Correctional Institution at Graterford, Pennsylvania (“SCI-Graterford”). Plaintiff brings this cause of action pursuant to the Civil Rights Act of 1871, 42 U.S.C. § 1983, *et seq.* In his complaint, Plaintiff alleges violations of his constitutional rights by a host of Defendants between April 13 and 29, 2008, while he was confined to the Allegheny County Jail (“ACJ”) in Pittsburgh, Pennsylvania. Compl. (Doc. 3)

The complaint was received on May 4, 2010, as an attachment to Plaintiff’s motion for leave to proceed *in forma pauperis* (“IFP”). (Doc. 1). Plaintiff was granted leave to proceed IFP on the same day. (Doc. 2). Defendants filed the instant motion to dismiss on July 20, 2011. (Doc. 21). Plaintiff responded thereto on October 5, 2011. (Doc. 31).

This matter was referred to a United States Magistrate Judge for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules for Magistrate Judges. On November 29, 2011, the magistrate judge issued a report and recommendation recommending that Defendants’ motion to dismiss be denied, without prejudice to Defendants raising the statute of limitations argument again on summary judgment, if appropriate. (Doc. 33). A copy of the report was mailed to Plaintiff at his address of record,

and parties were given until December 13, 2011, to file objections. As of the date of this writing, no objections have been filed.

After *de novo* review of the pleadings and documents in the case, together with Defendants' motion to dismiss (Doc. 21) and the report and recommendation (Doc. 33), the following ORDER is entered:

AND NOW, this 21st day of December, 2011,

IT IS HEREBY ORDERED Defendants' motion to dismiss (Doc. 21) is DENIED, without prejudice to Defendants raising the statute of limitations argument again on summary judgment, if appropriate.

IT IS FURTHER ORDERED that the magistrate judge's report and recommendation (Doc. 33) is adopted as the opinion of this Court.

BY THE COURT:

s/Arthur J. Schwab
ARTHUR J. SCHWAB
UNITED STATES DISTRICT JUDGE

cc:
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